

SECTION V - SPECIAL REQUIREMENTS

V-A NONCONFORMING USES

1. Continuation. The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although each structure or use did not conform with the provisions of this bylaw as adopted or amended.

2. Extension. No increase in the extent of the nonconforming use of a structure or land may be made beyond the limits of the property owned at the time of enactment or subsequent amendment of this bylaw. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration is not substantially more detrimental than the existing nonconforming use to the neighborhood. This section shall not apply to billboards, signs and other advertising devices subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D.

3. Abandonment. A nonconforming use that has been abandoned or not used for a period of two years shall not be re-established and any future use shall conform with this bylaw. Whenever a non-conforming use has not been used for two years or more, it shall not be resumed or reestablished, and all future uses shall conform to this bylaw. This provision shall not be tolled where a fire, flood, hurricane or other similar disaster or event has prevented maintenance of such use. This provision shall be tolled only where legal impediments exist which prevent such use, provided that all reasonable action has been commenced within such two year period to remove such legal impediment, and diligently pursued. (Art. 21, Fall A.T.M. 10/10/95)

4. Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

V-B.1 ACCESSORY BUILDINGS

No accessory building or structure shall be located within the required frontyard area. No accessory building shall be located in any sideyard area nearer to the side lot line than ten feet, or in a rearyard area nearer to the rear lot line than ten feet, or nearer to another principal or accessory building than ten feet. Accessory buildings are included within the maximum percent of building coverage.

V-B.2 ACCESSORY USES - Keeping of livestock.

The keeping of livestock shall not be permitted in residential zones on lots less than 40,000 square feet in area, and any structure for housing such livestock shall be located at least 200 feet from any abutting residential structure. Such livestock shall be suitably fenced. Then such approval shall be subject to obtaining necessary permits from the Board of Health and Building Department. (Art. 37 - Fall Session A.T.M. 10/12/82)

V-C OPEN SPACE

The minimum open space required is to be free of all structures, parking, drives and other uses that preclude space for attractive landscaping. In business and manufacturing districts where applicable this minimum open-space-per-lot requirement applies specifically to the frontyard. All landscaped areas, including lawns, trees, shrubs and other plantings shall be properly maintained thereafter in a sightly and well-kept condition. On a lot of at least five acres, and situated in a CII District, if 10% of the area between any street on which the lot abuts, and the line of the building thereon, is devoted to open space, for each additional 85 feet of setback of the building on that lot, the open space requirement of 10% of that lot may be reduced by 1% to not less than 5%, provided the lot is not located within 400 feet of a residential boundary line. (Art. 55 A.T.M. 1964)

V-D OFF-STREET PARKING AND LOADING REQUIREMENTS (Art. 1 S.T.M. #3 6/22/76)

1. Purpose. It is the intent of this section that any use of land involving the arrival, departure, parking or storage of motor vehicles be so designed and operated as to assure safe access and departure as well as adequate off-street parking to serve the uses of such land. In addition, this section is intended to insure that safe movement of pedestrians is provided for, both within the parcel and to adjacent parcels, and that necessary provisions are made for the safe use of such other means of transportation as may be reasonably expected to use a site. This section also has the additional purpose of providing minimum landscaping requirements for off-street parking facilities in order to preserve and increase the Town's health and safety.

2. Applicability.

a) No building or structure constructed after March 26, 1975 shall be used or shall be changed to a greater category of parking demand as outlined in

Section V-D 3., except in compliance with these Off-Street Parking and Loading Requirements.

- b) Any building, structure or land use with its parking lot or facilities, if any, which was existing or lawfully begun or for which a permit was issued prior to March 26, 1975 may continue its permitted operation or may be changed to a use within the same or lesser category of parking demand without having to conform to these Off-Street Parking and Loading Requirements. However, any building or structure or land use which changes its operation to a category of greater parking demand, as outlined in Section V D 3., must comply with these Off-Street Parking and Loading Requirements.
- c) Where an existing building or structure has been damaged or destroyed by fire or other disaster, and reconstructed to the same size or lesser size as previously existed, the parking facilities which serve that building or structure may remain the same size and dimensions as previously existed, and continue, even though they do not conform to the requirements of this section, provided the building is not changed to a category of greater parking demand as outlined in V-D 3.
- d) No existing off-street parking spaces shall be eliminated if their removal would cause the total number of spaces provided on a site to be less than the number required by this Section.
- e) The Building Inspector may approve construction of less than the required number of parking spaces for a proposed or existing development; provided, the balance of the spaces not constructed shall be designated as "reserve spaces" and laid out as an integral part of the overall parking layout and are located on land suitable for parking area development which is either left in its natural state or suitably landscaped.

The owner may at any time, construct the total number of parking spaces required or if the Building Inspector determines that additional spaces, identified as reserve spaces on the site plan, may be required, he shall notify the owner of the property concerning his findings and the owner shall construct the required space. (Art. 5 S.T.M. #1 3/20/79)

3. Parking Facilities Required by Category of Parking Demand

- a) For 1 & 2 Family Dwelling Units - 2 spaces for each dwelling unit; driveways may be included as required space for single and two-family dwellings.
- b) For Multiple-Family Dwellings - One (1) space for one (1) bedroom or studio units, one and one-half (1 1/2) spaces for two (2) bedroom units, and two (2) spaces for units having three (3) or more bedrooms. All required spaces are to be provided within a distance not to exceed three hundred (300) feet from the

building in which the specific family unit served is located. In a PCD District, parking lots shall not exceed 125 spaces in any one lot, and lots shall be at all points at least twenty-five (25) feet apart.* For an AP Cluster Development, the parking requirements shall be one (1) space for a studio unit, and two (2) spaces for one or more bedrooms. In a DM district there shall be one (1) space for a studio apartment, two (2) spaces for a 1 or 2 bedroom unit, and three (3) spaces for units having three (3) or more bedrooms, all of such spaces to be provided on-site. (Art. 45 S.T.M. April 7, 1987) Note: Any housing which is specifically designed and constructed to meet the needs of the elderly may reduce the parking requirements for all such units by one-half.

c) Permitted Home Occupations - Spaces shall be provided as required for the occupational uses specified herein in addition to the spaces required for the dwelling.

d) For offices - 1 space per four hundred (400) square feet of gross floor area*

e) For financial institutions, retail stores, personal services, shops, and similar commercial uses - 1 space for each two hundred and fifty (250) square feet of gross floor area. *Within the DM District, 1 space for each five hundred (500) square feet of gross floor area. (Art. 41, Spring T.M. 4/12/11)*

f) For furniture, machinery, equipment, automobile and boat sales and/or service establishments - 1 space for each four hundred (400) square feet of gross floor area. *

g) For restaurants, night clubs, bars and lounges - 1 space for each thirty (30) square feet of public area or 1 space for every three (3) seats, whichever is greater. *Within the DM District, 1 space for every twenty-five (25) seats.* Public area shall mean the area reserved for the general public for the actual consumption of food and beverages.* (Art. 59, Fall A.T.M. 10/20/09) (Art. 41, Spring T.M. 4/12/11)

h) For drive-in restaurants - 1 space for each fifty (50) square feet of gross floor area with a minimum of twenty (20) spaces.*

i) For areas with fixed seating, such as churches, assembly halls or stadiums - 1 space for every three (3) seats.*

j) For places of public assembly or public recreation not otherwise listed - 1 space for each five (5) occupants as permitted under the state building code.

k) For libraries, museums and non-commercial art galleries - 1 space for each one thousand (1,000) square feet of gross floor area.*

- l) For hotels, motels, lodging or boarding houses - 1 space for each unit available for occupancy. Where a restaurant, function rooms and cocktail lounges are included in a hotel or motel only one-half of the spaces normally required for such uses need be provided in excess of the spaces otherwise required for the hotel or motel.*
- m) Hospitals - 1 space for each bed, plus 1 space for each two (2) employees on largest shift.
- n) Nursing homes - 1 space for each six (6) patient accommodations, plus 1 space for each two (2) employees on largest shift.*
- o) For funeral homes - 1 space for each seventy (70) square feet of public floor area, excluding residences which shall meet the requirements of 3.a and 3.b.*
- p) For industrial plants, wholesale establishments, warehouses and similar buildings - 1 space for each two thousand (2000) square feet of gross floor area, or 1 space for each three (3) persons normally employed on largest shift, whichever is greater.*
- q) Theaters with single viewing screens - 1 space for every 3 seats. Theaters with more than one screen 1 space for every 5 seats. (Art 5 S.T.M. #1 3/20/79)
- r) Notwithstanding the minimum requirements enumerated in sections a) and b) above, the parking requirements for dwelling units in the DM and any HOOP District may be reduced by Special Permit to a minimum number as follows: one (1) space for one(1) bedroom or studio units, one and one-half (1 ½) spaces for two (2) bedroom units, and two (2) spaces for units having three (3) or more bedrooms, conditioned upon the approval of the SPGA, and upon commitment to payments according to the incremental Parking Credit schedule in Table 1 below based on the difference in parking units provided and those required under sections a) and b) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district. (Art. 19, Fall A.T.M 10/21/08)
- s) Payments received under the provisions of Section V-D.3.r) of this Bylaw shall be maintained in an offsite parking construction and acquisition fund from which monies may be expended under the direction of the Board of Selectmen for the sole purposes of new public parking construction and acquisition in the Downtown Mixed Use and/or any HOOP Districts. (Art. 30, Fall A.T.M. 10/19/10)

t) Assisted living residences – 0.5 spaces per living unit; provided that sufficient parking is also provided or banked to meet future parking requirements of the facility for its demonstrated alternative use, as set forth in Section III-I, 3c and Section V-D.”
(Art. 44 A.T.M 04/27/2010)

Table 1: Incremental Parking Credit Schedule

<u>Required spaces less permitted spaces</u>	<u>One Time Mitigation</u>
Per whole space	\$16,000*
Per half space	\$ 8,000*
*Mitigation effective upon passage of this bylaw, subject to an annual increase of 3% effective the first day of each fiscal year, or such other increase determined at a Public Hearing by the Planning Board based on findings of land, construction and market values.	

(Art. 19, Fall A.T.M 10/21/08)

4. Interpretation of Off-Street Parking

- a) The parking required herein is in addition to space for storage of trucks or other vehicles used in connection with a business, commercial or industrial use.
- b) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- c) The parking space requirements for a use not specifically listed in this section shall be as specified by the Building Inspector based on a listed use of similar characteristics of parking demand generation.
- d) In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Where a single parking area contains more than 400 adjoining parking spaces intended to serve more than one establishment dedicated to the retail sale of products or services to the general public, the total number of parking spaces required in excess of 400 may be reduced by 25%. (Art. 5 S.T.M. #1, 3/20/79)
- e) As used in Section V-D 3. gross floor area shall mean the total floor area of all floors, including basements, within the perimeter of the outside walls of the building under consideration, with no deduction for hallways, stairs, closets, thickness of walls, columns or other features. However, where a basement is used only for storage and not accessible to the public only one-fourth of such area need be included in the calculation of gross floor area.

f) In a commercial district where outside sales or storage space is provided, the square foot area shall be added to the gross floor area for the purpose of calculating the required number of parking spaces.

5. Exceptions in Downtown Mixed Use District

Notwithstanding the minimum requirements enumerated in sections 3, c) through 3, q) above, in a DM District the number of parking spaces required for non-residential use may be reduced by special permit by not more than ten (10%) percent of the requirement of section V-D 3, conditioned upon the approval of the SPGA, and upon commitment to payments according to the Incremental Parking Credit schedule in Table 2 below based on the difference in parking units provided and those required under sections c) through q) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district.

Further notwithstanding the minimum requirements enumerated in sections 3, c) through through 3, q) above, in a DM District the SPGA may, as part of a special permit or site plan review for a change in use or expansion of prior use, in its discretion reduce the required number of parking spaces by an amount equal to the number of spaces by which the prior use is below the minimum number of spaces required for that use, but only upon a finding that the new or expanded use is not detrimental to the intent of this bylaw and that the new or expanded use (a) increases architectural accessibility, (b) accommodates mixed use on the parcel, (c) improves pedestrian and/or vehicular movements, (d) enhances the streetscape for abutting properties, (e) creates affordable housing, or (f) accommodates mass transit facilities. (Art. 41, Spring T.M. 4/12/11)

Table 2: Incremental Parking Credit Schedule	
<u>Required spaces less permitted spaces</u>	<u>One Time Mitigation</u>
Per whole space	\$20,000*
Per half space	\$10,000*
*Mitigation effective upon passage of this bylaw, subject to an annual increase of 3% effective the first day of each fiscal year, or such other increase determined at a Public Hearing by the Planning Board based on findings of land, construction and market values.	

(Art. 19 Fall A.T.M. 10/21/08)

6. Location of Required Parking Spaces

Required parking spaces shall normally be located on the same lot as the building or use which they serve. However, the Special Permit Granting Authority may grant a special permit to allow use of parking facilities not on the same lot provided that the Special Permit Granting Authority determines that proper provision is made to insure pedestrian and traffic safety and that the intent and purpose of this section of the bylaw are attained.

(Art. 19, Fall A.T.M. 10/21/08)

Except as hereinafter provided, no land in a Residential District shall be used for off-street parking accessory to or to service a structure or use in a Commercial, Industrial, Highway Planned Use, or a Highway Mixed Use District.

7. Minimum Area

For the purpose of this regulation, an off-street parking space is an all-weather surfaced area having a width of not less than nine (9) feet and a length of not less than eighteen (18) feet for angle parking or twenty-two (22) feet for parallel parking. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required areas, other than those serving one- and two-family dwellings, are to be exclusive of driveways and shall be permanently reserved for the temporary parking of one automobile, and shall be connected with a street or public right-of-way by an all-weather surfaced driveway. In the case of single-family and two-family dwellings, all-weather surfaces shall not be required.

8. Pedestrian Safety

Crosswalks shall be provided in selected locations and clearly marked on the pavement to aid pedestrians in crossing traffic within the lot. As a minimum, off-street parking areas shall be separated from the front of the building served by a paved walk at least four (4) feet wide with a seven (7) inch high safety curb located along the front of the building, or other safety devices as the Building Inspector may specify.

Where there exists along an exterior side or rear wall, an entrance or exit normally used by the general public (excepting therefrom but not limited to fire doors and loading areas) such entrance or exit shall be provided with a paved walk at least four (4) feet wide with a seven (7) inch high safety curb extending at least six feet along the building on either side of such entrance or exit. (Art. 5, S.T.M. #1 3/20/79)

9. Interior Drives

Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces, the following being the minimum width permitted.

<u>Type of Parking</u>	<u>Driveway Width</u>
90 degree to 61 degree parking	twenty four (24) feet
60 degree to 46 degree parking	eighteen (18) feet
45 degree to 30 degree parking	fifteen (15) feet
parallel parking	fifteen (15) feet

Ninety degree (90 degree) or parallel parking shall be used in all off-street parking lots unless there is positive control of traffic directions. Parking at angles at less than thirty degrees (30 degrees) is prohibited except for parallel parking. The minimum width of any interior driveway serving an off-street parking area shall be fifteen (15) feet.

10. Entrance and Exit Driveways

a) Residence driveways shall not be less than nine (9) feet or more than twenty-one (21) feet wide at the right-of-way line nor less than thirteen (13) or more than twenty-five (25) feet at the curb line of lots for one or two-family dwellings. (Art. 27, Fall Town Meeting, 10/18/16)

b) Driveways in Residential Multiple, Downtown Mixed Use, Commercial II, Industrial I, Industrial II, Highway Planned Use*, Highway Mixed Use I, Highway Mixed Use II, Highway Mixed Use III**, Limited Commercial, and PCD Districts or serving uses allowed in these districts, shall not be more than forty (40) feet wide at the right-of -way line and fifty (50) feet wide at the curb line unless otherwise specified by the Natick Department of Public Works or the Massachusetts Department of Public Works. Each parcel within these districts, or occupied by such use, will be entitled to two (2) driveways where the property has two hundred (200) feet of frontage or less. Additional driveways may be allowed by special permit by the the Special Permit Granting Authority for lots with greater than two hundred (200) feet of frontage.

(Art. 1 & 3, S.T.M. #1, 3/20/79)

(**HM - III added: Art. 1 Fall Session A.T.M. 1981)

(*HPU added: Art. 1 S.T.M. #3, October 27, 1981)

(Art. 27, Fall Town Meeting, 10/18/16)

c) In all districts the entrance and exit driveways will be located so as to provide for safe access and egress to the parcel being served. In addition, evidence that the necessary driveway permits will be issued by either the

Natick Department of Public Works for Town-controlled roads or State Department of Public Works for State-Controlled roads must be presented before a building permit may be issued.

d) Paving shall not be constructed closer than two (2) foot to the side property line extended without a permit issued under IV-A. 6. of these bylaws. (Art. 27, Fall Town Meeting, 10/18/16)

e) Except for such portion of a constructed driveway accessing the traveled way, paving shall not be constructed closer than two (2) feet to the front property line. (Art. 27, Fall Town Meeting, 10/18/16)

11. Marking

All required parking spaces, except for single-family or two-family residences, shall be marked by painted lines, maintained in good condition, curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall be used as necessary to insure efficient traffic flow within the lot.

12. Surfacing and Drainage

In all parking areas other than those serving one-and two family dwellings, the following requirements for surfacing and drainage shall apply.

Adequate storm water drainage shall be provided for all off-street parking areas. With respect to off-street parking areas for ten or more vehicles, storm water drainage shall include provision of means to prevent or intercept, collect and/or filter any oil, grease or sediment that may be deposited in such parking area, in accordance with regulations of the Department of Public Works and Board of Health. Within six months of the effective date of this by-law, the Board of Health in accordance with the Department of Public Works shall adopt regulations to administer this by-law. Required parking and truck loading facilities shall have an all -weather surfacing of bituminous concrete or concrete paving maintained in good condition and capable of allowing free and safe movement of all vehicles using the facility. The perimeter of all parking areas shall have a machine-formed curbing at least five inches high or pre-cast concrete bumpers, safety curbs or other protective devices.

The following minimum specifications shall apply to all bituminous concrete paving. It shall be placed in two layers, a binder course to be one and one-half (1 1/2) inches thick after compaction and a top course one (1) inch thick after compaction, to form a total thickness of pavement equal to two and one-half (2 1/2) inches after compaction.

13. Lighting

Adequate lighting shall be provided in lots of more than ten (10) spaces if off-street parking spaces are to be used at night. However, minimum security lighting must be provided in all lots serving other than one-and two-family residential. The lighting shall be arranged and installed to minimize glare on adjacent property. If property is not to be used at night, a note to that effect shall be indicated on the plan.

14. Truck Loading Space

In the case of hospitals, institutions, hotels, and retail wholesale and industrial buildings space shall be provided for loading and unloading of trucks at the rate of one (1) space not less than four hundred (400) square feet in area for each fifteen thousand (15,000) square feet of floor area or fraction thereof up to a total of thirty thousand (30,000) square feet, and four hundred (400) square feet for each additional thirty thousand (30,000) square feet. Such truck area shall be adjacent to the loading area or doors.

The provision for truck loading space may be waived by the Building Inspector where he determines that such space is not necessary for the operation of a particular use.

15. Buffer Areas

- a) General. Any off-street parking or storage area serving other than one (1) and two (2) family dwellings which abuts residentially zoned land shall be separated from such adjoining land by a ten (10) foot buffer area which shall be suitably landscaped and maintained with natural and living materials so as to form an effective year round visual screen at least six (6) feet in height to insulate the residentially zoned land from the off-street parking area. Trees planted in this buffer area shall be at least six (6) feet in height and not less than two (2) inches in diameter immediately after planting. The Special Permit Granting Authority may by special permit allow the use of a fence, wall or other non-living structure to achieve the purpose of this buffer provided that it is determined to be a more effective and suitable buffer than could be provided with living materials. As a minimum all off-street parking and loading areas except those serving one and two family dwellings shall be separated from adjacent properties by a four (4) foot buffer strip planted with grass or similar natural ground cover. However, where adjacent parcels agree to share a common parking area with a common entrance and exit the minimum four (4) foot buffer may be eliminated on all common property lines.

16. Landscaping Adjacent to Right-of-Way

A continuous landscaped strip shall be provided adjacent to the right-of-way line of any street (existing, proposed, paper, public, private) or highway. This landscaped strip shall not be less than ten (10) feet wide in any district and in Highway Mixed Use II, *Highway Mixed Use III, Commercial II, Industrial II and Highway Mixed Use I districts it shall have at least ten (10) feet of width for every one hundred (100) ft. or fraction thereof of frontage up to a maximum required width of fifty (50) feet. In a Highway Planned Use District, the landscaped strip adjacent to the right-of-way shall be at least 85 feet in depth. (Art. 1. S.T.M. #3, October 27, 1981) For other than one and two family uses this strip is to be planted with at least one (1) tree of not less than two (2) inch caliper and at least six (6) feet in overall height immediately after planting for each fifty (50) lineal feet of frontage or fraction thereof. (Art. 1 & 3, S.T.M. #1, 3/20/79)(*HM-III added: Art. 1, Fall Session A.T.M. Oct. 6, 1981)

However, said trees need not be located at fifty (50) foot intervals and may be grouped or arranged anywhere within this buffer area. Bituminous concrete or concrete paving is prohibited in this buffer area except for driveways and sidewalks.

The buffer adjacent to the right-of-way required by this section must be located within the affected parcel and state or local property within the right-of-way may not be used to meet the requirements of this section. However, wherever possible the extension of grass or ground cover into said right-of-way is encouraged.

17. Interior Landscaping

Off-street parking areas which cover 20 per cent or more of the total site area shall have at least ten (10) square feet of interior landscaping for each parking space. As used herein, interior landscaping shall be defined as landscaped islands or areas, exclusive of any other landscaping or buffer areas required elsewhere in these Off-Street Parking and Loading Requirements, which are contained within or project into the paved area of an off-street parking or loading area. Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall have a minimum dimension of at least five (5) feet, shall be planted with grass or small shrubs, and shall include at least one deciduous tree of not less than two (2) inches in diameter and at least six (6) feet in overall height immediately after planting. Each such island shall have a five (5) inch curb and may be used to locate hydrants within a parking area.

Whenever possible, such interior landscaping shall be located so as to promote safe and efficient channelization of both pedestrian and vehicular traffic.

18. Existing Landscaping Material

- Every attempt shall be made to save as many existing trees as possible on a subject site. Major trees and outlines of wooded areas shall be shown on the required site plan.

19. Administration & Procedure

- a) Permits - Where the requirements of these off-street regulations are applicable, an application for a building or use permit for other than one and two family dwellings must be accompanied by three copies of an Off-Street Parking and Storage Plan. The Building Inspector shall determine whether such plan is in compliance with the provisions of these Off-Street Parking and Loading Requirements. If the Building Inspector determines that the plan is not in compliance with these Off-Street Parking and Loading Requirements he shall deny the application in writing setting forth his grounds for denial.

b) Off-Street Parking and Storage Plan - The Off-Street Parking and Storage Plan required by this By-Law shall be drawn to a scale of 1" = 40' or such other scale as the Building Inspector may direct, and as a minimum shall show the following:

- 1) the quantity, location and dimensions of all driveways, entrances, exits, parking spaces, truck loading and storage areas, sidewalks, and buffer areas;
- 2) the location, size and type of materials for surface paving, curbing or wheel stops, trees, landscaping, screening, lighting and drainage facilities;
- 3) the location of all buildings and lot lines; and
- 4) such other information as the Building Inspector or Special Permit Granting Authority may reasonably require.

Upon issuance of a permit in accordance with these Off-Street Parking and Loading Requirements, the Building Inspector shall transmit a copy of the approved plan to the Planning Board and the Department of Public Works.

c) General Provisions - Where necessary for the administration of this section, the Building Inspector may require the owner, operator or occupant of a lot or any building thereon to furnish a statement as to the number of employees customarily working at any one time on the premises. The Building Inspector may at any reasonable time enter upon a lot, or into any building thereon, in order to make such determinations as are necessary for the administration of this Section.

d) Waivers – Except for the provisions of sections 3. r) through t) and section 5., the Special Permit Granting Authority may waive strict compliance by not more than ten percent (10%) with the requirements of Section V-D. pursuant to a special permit and site plan, provided that the Special Permit Granting Authority determines findings that literal enforcement would cause a substantial hardship or that literal compliance is impractical because of the size, width, depth, shape or the use to which it is to be put, or because a lesser area would, except in unusual circumstances, accommodate the motor vehicles of all persons at any time using the building or less stringent requirements would carry out the other purposes of this Section of because of factors peculiar to the lot or building involved not generally affecting the zoning district in which it is located.

Acceptance of this article shall not be considered acceptance of Chapter 808 of the Acts of 1975 by this Town, and this sentence shall not be severable from the Article.

V - E DELETED - (Articles 6. S.T.M. #3 October 27, 1981)

V - F REMOVAL OF EARTH PRODUCTS

In any district except an authorized sand or gravel pit the removal from the property of soil, loam, sod, peat, sand or gravel is prohibited, except that the removal of said material may be permitted subject to the issuance of a building permit by the Building Inspector and only to the extent of excavating for a building foundation, structure, roadway, driveway, walk, or parking area and only if at least an eight-inch layer of packed loam or the total loam and topsoil excavated in the project, whichever is less, is left covering all regraded area of the lot.

Pre-existing use of premises for the excavation or removal of sand and gravel can be continued and extended throughout the premises. Opening of new sand or gravel pits may be authorized by the Board of Appeals by special permit provided such excavations are not harmful or detrimental to the neighborhood. The Board of Appeals may impose time limitations and may require bonds and a continuation of such special permit may be conditioned upon compliance with the regulations to be made and amended from time to time.

In no case shall said material be removed from the Town. Removal of topsoil other than specifically permitted in this by-law is classified as stripping and is prohibited. (Art. 51 A.T.M. 1974)

V-G. FLOODING

No land subject to seasonal or periodic flooding by freshet or by surface water during heavy rain in such a manner as to endanger the health or safety of the occupants shall be used for residential purposes, unless the lands are improved to eliminate flooding.

V-H. SIGNS AND ADVERTISING DEVICES

This by-law is adopted by the Town for the regulation and restriction of billboards, signs, and other advertising devices within the Town.

A. EXISTING SIGNS

Except for such changes, if any, as may be required to satisfy the provisions of subsections C. 1 (b) and C. 2 (c) below, this section shall not require the alteration or removal of any sign lawfully existing within the Town on the date on which this section becomes operative. Any sign, the erection of which has been lawfully begun and carried on in good faith before this section becomes operative, may be completed according to laws and regulations then in force; but shall conform hereto as far as practicable without hardship.

B. DEFINITIONS

1. Sign - Any letter, word, symbol, drawing, picture, design, device, article or subject that advertises, calls attention to or indicates any premises, persons, products, business or activities, whatever the nature of the material and manner of composition or construction.

2. Accessory Signs - Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises or the business transacted on the premises or the sale or letting of the premises or any part thereof, and which contains no other advertising matter.

3. Non Accessory Signs - Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.

4. Standing Sign - The term "Standing Sign" shall include any and every exterior sign that is not attached to a building.

5. Size - In applying the maximum height and width limitations prescribed in this By-Law any intermediary removable surface to which a sign is affixed shall be deemed to be part of the sign.

6. Business - Each separate place of business whether or not consisting of one or more buildings.

7. Roof Sign - Any sign attached to roof framing of the building on which the sign is above the roof level on trusses or legs.

C. REGULATIONS APPLICABLE TO ALL AREAS

1. Illumination

(a) No sign shall contain any part which moves or flashes or be animated in any way.

(b) No sign shall be illuminated more than thirty (30) minutes after closing, or before 8:00 A.M. on any day except for signs of business which are legally carrying on business before 8:00A.M. which may be illuminate while said businesses are actually open to receive the public.

Signs identifying police or fire stations and residences of medical doctors, hospitals, nursing homes, and other such signs as the Special Permit Granting Authority may authorize, may be illuminated at other hours if the Board finds that the nature and use of the premises is such that illumination should be permitted in the public interest.

(c) All illumination of signs must be so arranged as to prevent glare onto any portion of any public way or other adjacent property.

2. Construction and Maintenance

(a) No sign shall be painted or posted directly on the exterior surface of any wall or roof but all signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface which shall be securely affixed to the building. The foregoing, however, shall not prevent installation of an individual letter sign securely affixed to the exterior wall of building.

(b) The material and construction of any sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and the intermediary surface to the wall of the building shall be in accordance with any applicable provisions of the Building Code of the Town of Natick and, otherwise, with the reasonable requirements of the Building Inspector.

(c) All signs, together with their structural elements, shall be kept in good repair and in a proper state of preservation to the reasonable

satisfaction of the Building Inspector. The Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of this by-law.

3. Removal

Any sign, together with its structural elements, which advertises or calls attention to any product, business, activities or services which are no longer carried on or sold, whether on, near, or adjacent to the particular premises shall be removed by the owner within thirty (30) days of the date on which the operation ceased.

4. Temporary Signs

During construction of a building or buildings not more than one temporary sign may be erected on the premises where such construction is being carried on, identifying the building or buildings under construction and the builder, the intended occupant, the contractor and/or the architect of such building or buildings. All such signs shall be removed within thirty (30) days after the completion of construction. In no case shall any such temporary sign have a total area greater than twenty-five (25) square feet or have any part which is more than ten (10) feet above ground.

5. Historic Signs and Markers

Signs and markers signifying historical importance shall not be subject to this bylaw and shall be permitted in all use districts without permit so long as same contain not more than eight (8) square feet on each exposure. (Art. 5, S.T.M. #1, 1/23/96)

6. Other Signs

Signs containing matter describing materials for sale, rental or display which are distinguished or characterized by its emphasis on matter depicting, describing or relating to sexual conduct as defined in M.G.L. Chapter 272, Section 31, or which depict, describe or relate to the provision of live entertainment which includes the display of nudity, or which convey the message that an establishment includes the display of nudity or partial nudity by workers in the course of transacting business or delivering services, shall be prohibited in all districts except the RC district. (Art. 48, Spring A.T.M., 4/17/97)

7. Term

Special permits issued under Section V-H shall have a term of not more than seven years. (Art. 32, Spring A.T.M., 5/29/07)

D. REGULATIONS AND RESTRICTIONS APPLICABLE TO USE DISTRICTS

1. Residential (R. S., R.M., R.G., and P.C.D.)

(a) Accessory Signs

1. There may be one such sign for each lot, indicating only the name of the owner or occupant, the street number, and a permitted use or occupation in this particular area under this zoning by-law. Such a sign may be a standing sign but shall not exceed one (1) square foot, or where a permitted use occupation is set out, two (2) square feet in total area,
2. There may be one temporary unlighted sign on each lot advertising the sale, rental, or construction of the premises provided that such sign does not exceed six (6) square feet in area and shall be removed promptly after such sale, rental, or construction has been effected.
3. No sign shall be located nearer to a property line than it is lawful to maintain a building, or project more than six (6) inches in front of any established front line for buildings.
4. No other accessory sign shall be erected or maintained in a residential district.

(b) Subdivision and P.C.D. Signs

A sign bearing the name of any residential or other subdivision or P.C.D. may be erected at an entrance to such subdivision. Such sign shall be located not less than fifteen (15) feet from the layout of any street or lot line. The over-all area of the sign, exclusive of supports, shall not be greater than twelve (12) square feet and said sign may be lettered on both sides. No part of any subdivision sign shall be more than six (6) feet above the level of the roadway nearest the sign location. No subdivision or P.C.D. sign shall be illuminated, nor shall any reflective material be used. The initial permit for any subdivision sign shall be for not more than two years and may be

renewed annually upon application. Any sign for which there is no valid permit shall be removed under the authority of the Building Inspector.

2. Downtown Mixed Use District (DM)

(a) Accessory Signs

In Downtown Mixed Use District (DM) area accessory signs that comply with the provisions hereinafter set forth are permitted. All other accessory signs are expressly prohibited.

1. Location:

The sign shall be affixed to a building, except as hereinafter provided. A sign attached to a building shall be securely affixed to one of the walls of the building and it shall be parallel with and not project more than six (6) inches from the face of such wall and shall not project beyond the face of any other wall of the building.

2. Size:

A sign shall not be more than two (2) feet in overall height with the total area not to exceed thirty (30) square feet.

3. Number:

There shall not be more than one exterior sign for each business, except that if the business has a direct entrance into the business in a wall other than the business front, there may be a secondary sign affixed to such wall, and if the business has a wall, other than the business front, that faces upon a street or parking area, there may be a secondary sign affixed to such wall whether or not such wall contains an entrance to the business; provided however, that no business shall have more than two secondary signs in any event. The width of the secondary sign or signs shall not exceed one (1) foot in overall height or fifteen (15) square feet in total area.

In addition to the foregoing sign or signs, there may be one directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one (1) square foot for each occupant or tenant in the building.

4. Standing Signs:

Standing signs are prohibited.

(b) Non-Accessory Signs

Non-Accessory Signs are prohibited.

3. Commercial Two (C-II), Industrial One (In-I), Industrial Two (IN-II), Highway Mixed Use - I (HM-I), Highway Mixed Use - II (HM-II), Highway Mixed Use - III (HM-III), Highway Planned Use (HPU), Limited Commercial (LC)

- In Commercial Two, Industrial One, Industrial Two and Highway Mixed Use - I, Highway Mixed Use - II, *Highway Mixed Use - III, **Highway Planned Use, and Limited Commercial Areas, accessory signs that comply with the provisions herein set forth are permitted. All other accessory signs are expressly prohibited.

(Art's. 1,3,6, S.T.M. #1, 3/20/79)

(*HM III added: Art. 1 Fall Session A.T.M. October 6, 1981)

(**HPU added: Art. 1, S.T.M. #3, October 27, 1981)

(a) Accessory Signs where building setback does not exceed Two Hundred (200) feet.

1. Location: A sign attached to a building shall be securely affixed to one of the walls of the building and it shall be parallel with and not project more than twelve (12) inches from the face of such wall and shall not project beyond the face of any other wall of the building. No part of any standing sign shall be located within twenty-five (25) feet of any property line.

2. Size: A sign shall not be more than two (2) feet in overall height with the total area not to exceed eighty (80) square feet.

A standing sign shall not be more than ten (10) feet in overall height with a total area not to exceed fifty (50).

3. Number: No business shall have more than one (1) sign affixed to any exterior wall of its place of business nor shall it have more than three (3) signs in all, including one (1) standing sign. There shall be no more than one (1) standing sign on any lot, regardless of the number of businesses or structures which may be located on the lot.

(b) Accessory Signs where building setback exceeds 200 feet.

1. Location: Same as section 3(a) 1 above.
2. Size: A sign shall not be more than three (3) feet in overall height with the total area not to exceed one hundred eighty (180) square feet except for a standing sign which cannot be more than ten (10) feet in total height with the total area not to exceed fifty (50) square feet.
3. Number: Same as section 3(a) above.

(c) Mall or Theme projects - HPU Districts

1. Arcade or Courtyard signs:

As used herein, the term "Arcade" and "Courtyard" mean pedestrian areas not enclosed within a building in which vehicle traffic does not enter and bordered on at least two sides by buildings: such areas being set back at least 300 feet from the street along which frontage is measured. The Special Permit Granting Authority may allow a reasonable number of project directories, directional signs and business identification signs each not to exceed fifty (50) square feet in area in a courtyard or arcade; in keeping with the architectural, geographic or theme image of a project. Such signs may project from a building into the arcade or courtyard, be suspended from or form free-standing architectural or structural elements of a project; as well as being affixed to walls of a building or structural element within the arcade or courtyard area; all in keeping with the style and character of a project. Business identification signs shall be limited to the trading name and/or established logotype of a business and shall not include brand name slogans or advertising verbiage, unless such are also the trading name.

2. Exterior signs

In addition to any signs otherwise permitted under this bylaw, signs consisting of the name and/or logotype of a project, which are mounted on a wall of a building or on an architectural or structural element of a project, shall be not more than three (3) in height and 150 square feet in area. In applying these size limitations, only the area of the wall or architectural or structural element encompassed by each individual word or logotype "envelope" shall be deemed to constitute the sign area.

E. ADMINISTRATION

1. Application for Permits - Before the erection, removal, alteration, enlargement or repair (except for ordinary maintenance) of any sign shall begin, the owner or lessee of the premises on which the same is to be erected shall file with the Building Inspector an application in duplicate for a permit, on appropriate forms furnished by the Building Inspector, together with such plans, drawings and specifications as the Inspector may require. An application for a permit shall give the full name, residence and business address of the owner of the property, of the lessee (if any) and of any authorized representatives to whom any notices may be sent. Each application must be accompanied by the written consent of the owner of the premises concerned, or his authorized agent.

2. Issue, Refusal and Revocation of Permits and General Powers of the Building Inspector - The Building Inspector shall within a reasonable time approve or reject any application for a sign filed with the Building Inspector and, if all requirements of this section and of all other applicable laws, by-laws and regulations have been complied with, shall promptly issue a permit for the erection and maintenance of such sign. If, however, such sign contains any electrical devices the exercise of such permit shall be conditional upon receipt by the applicant of prior written approval of such sign from the Town Electrical Inspector given after physical inspection by him of all electrical devices contained in said sign. All of the provisions of Section 1.1.2., as amended, of the Building Code of the Town. Having general application to the issue, publication of notice of, revocation or refusal of Building Permits shall apply to the fullest extent reasonably applicable to the issue, publication of notice of, revocation or refusal of permits for the erection and maintenance of signs.

Signs shall be deemed to be structures subject to all applicable provisions of Sections 1.1.1., 1.2.2., 1.2.3., and 1.2.4. of said Building Code, and to all of the powers thereby granted to the Code, and to all of the powers thereby granted to the Building Inspector with respect to structures.

3. Appeal and Review - Any person aggrieved by the issue or refusal of a permit or approval by the Building or Electrical Inspector or by a delay of more than two weeks (except for apartment houses as defined in Chapter 2, Section 2.1 of the Building Code and Section I-D of the Zoning By-Law) in rendering a decision upon an application may appeal to the Special Permit Granting Authority within fifteen days after the date of publication of notice of the granting of such permit, of receipt of notice of such refusal, or of the end of said two-week period, by filing a

written notice of appeal with the Town Clerk and Community Development office.

The Building Inspector may in writing request the Special Permit Granting Authority for a ruling in any case wherein he is in doubt as to the true intent or application of any part of this section and upon receipt of such request the Special Permit Granting Authority shall promptly determine the true intent and application of any provisions of this section in question.

On receipt of a notice of appeal the Town Clerk shall notify the Special Permit Granting Authority who, after due notice to the parties concerned, shall hold a hearing and shall either affirm, annul or modify the action of the Building Inspector appealed from.

Every decision of the Special Permit Granting Authority hereunder shall be in writing and shall be signed by four of its five members, and shall be filed in the office of the Town Clerk and in the Community Development office and shall be public records and notice thereof shall be given by the Special Permit Granting Authority to the applicant. A copy of each decision of the Special Permit Granting Authority shall be furnished to the Building Inspector. If the Special Permit Granting Authority modifies or annuls any action of the Building Inspector, he shall issue a new permit or ruling in conformity with the decision of the Board without delay.

4. Special Permits - The Special Permit Granting Authority may grant a special permit for a sign not complying with the provisions of this By-Law, if it determines that the particular sign will be in harmony with the general purpose and intent of this section will not be injurious to the neighborhood in which such sign or signs are to be located nor to traffic and safety conditions therein, nor otherwise detrimental to the publisafety and welfare.

In granting such permission the Special Permit Granting Authority shall specify the size, type and location of the sign and impose such other terms, restrictions and conditions as it may deem to be in the public interest.

5. Penalty for Violation - In addition to any other remedy granted or penalty imposed by law, whoever being in violation of any provision of this section shall fail to remedy such violation within five (5) days after the receipt of a notice of such violation given by the Building Inspector or the Board of Selectmen (or if such violation cannot reasonably be remedied within five days, shall fail within such period to begin to remedy the same and thereafter continue diligently until such violation

is remedied) shall be punished by a fine not exceeding twenty (20) dollars for each such violation, and each day during which such violation shall continue shall be deemed a separate violation.

F. SEVERABILITY

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

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